

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ORDER
11-CR-241A

JOHNSON CONTRACTING OF WNY, INC.,
et al.,

Defendants.

This case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1). On September 18, 2012, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that defendants' motions to dismiss counts of the Indictment and defendant Maniszewski's motion to suppress statements be denied without prejudice.

Plaintiff filed objections to the Report and Recommendation on October 5, 2012. The government filed a response to defendant's objections and defendant filed a reply to the government's response.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge McCarthy's

Report and Recommendation, defendants' motions to dismiss counts of the Indictment and defendant Maniszewski's motion to suppress statements are denied without prejudice.

The case is referred back to Magistrate Judge McCarthy for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: November 27, 2012